

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANCELL HAMM,	)	
	)	
Plaintiff,	)	
	)	
	)	Civil Action No. 08-442
v.	)	Chief Judge Lancaster
	)	Magistrate Judge Bissoon
EDWARD RENDELL, <i>et al.</i> ,	)	
Defendants.	)	

**MEMORANDUM ORDER**

Ancell Hamm's complaint pursuant to 42 U.S.C. §1983 was filed on April 2, 2008, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates. The matter was later referred to Magistrate Judge Cathy Bissoon.

The Magistrate Judge's Report and Recommendation, filed on October 8, 2009, recommended that the Defendants' Motion to Dismiss or in the Alternative for Summary Judgment (Doc. 70) be converted into a motion for summary judgment granted. It was further recommended that Plaintiff's Motion for Summary Judgment (Doc. 79) and his Motion for Temporary Restraining Order (Doc. 82) be denied. The parties were allowed ten days from the date of service to file objections. Plaintiff filed objections (Doc. 97) and a brief in support thereof on October 21, 2009.

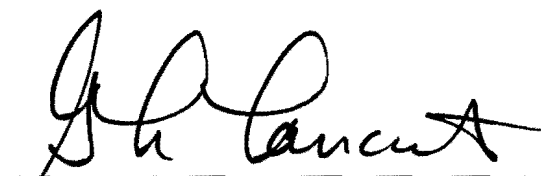
After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 30<sup>th</sup> day of Oct, 2009,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss or for Summary Judgment (Doc. 70) is converted into a motion for summary judgment and is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Doc. 79) and Motion for Temporary Restraining Order (Doc. 82) are DENIED.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 94), dated October 8, 2009, is adopted as the opinion of the court.

  
\_\_\_\_\_  
Gary L. Lancaster  
Chief U.S. District Court Judge

cc: Ancell Hamm  
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